TRANSMITTAL SLIP | DATE

TO: (1) Director of Security

ROOM NO.	BUILDING
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25 AUG 1976

REMARKS:

(2) Director of Security

"Bob Gambino

"I hope the FBI follows up on this matter-- We must protect documents and, if facts are as presented, we should encourage FBI to do its thing and prosecute!!" /s/ G.B.-

23 August 1976

Del

Noted by JFBlake:DDA (25 August 1976

Att: DDA 76-3881 Memo to DCI fr D/OS, dtd 3 August 1976; Subject: Unauthorized Release of Agency Classified Documents
Distribution: DCI Handwritten Note w/Orig of Attachment to D/OS
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28 AUG 1976
23 Aug 76

DIRECTOR OF CENTRAL INTELLIGENCE

To Bob Gambino

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as

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ATTACHMENT

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Making Enemies: The Pike Committee's Struggle to Get the Facts

by Gregory G. Rushford

Woodrow Wilson observed that "Congress stands almost helplessly outside of the departments. Even the special, irksome, ungracious investigations which it from time to time institutes. . . do not afford it more than a glimpse of the inside of a small province of federal administration. . . . It can violently disturb, but it cannot often fathom, the waters of the sea in which the bigger fish of the civil service swim and feed. Its dragnet stirs without cleansing the bottom."

This elegant statement summarizes what I learned during the irksome, ungracious, congressional investigation of the CIA.

As a staff member of the House Select Committee on Intelligence, I was charged with investigating how well the intelligence agencies had been doing their job. It was a simple and reasonable question, but in trying to get an answer, I encountered the bureaucratic obstacles that hide the truth about government performance.

The story of those obstacles, and our attempts to surmount them, sheds light on the present balance of power between the executive and legislative branches. Despite recent press stories that Congress is reasserting itself, the CIA—exceptional in many ways but in this one quite typical—used every executive branch tactic to frustrate our investigation.

The CIA's idea of a perfect investigation was roughly as follows: The committee's staff members would be investigated by the FBI, and if we passed, we would receive Top Secret security clearances. We would sign CIA employee secrecy oaths and would be denied access to the compartments of information beyond Top Secret—that is, to most of the files. CIA censors would read every document we requested. Those censors would have authority to delete words, paragraphs, even entire pages. If we

Gregory G. Rushford was on the staff of the House Select Committee on Intelligence.

took notes from documents at agency headquarters, the notes would be censored. Monitors would be present every time we interviewed agency employees.

Moreover, the committee would sign agreements limiting the areas of investigation and agree to disclosure restrictions. The chairman of our committee, so the CIA intended, would keep much of his information from other committee members. The committee, in turn, would keep information from the rest of Congress.

Whenever I requested documents from the CIA (or the State Department, or the Pentagon, or whatever agency we were studying) the liaison officer would ask why I needed them. Did I realize how sensitive they were? Wasn't I worried about showing such secrets to congressmen?

We started off with a series of hearings on the intelligence budget. Senior officials came from all over the intelligence community to brief us. But the briefings were canned affairs in which the officials took hours to read from tables and charts and to initiate us into the nuances of bureaucratese. We saw the same budget books they present to the appropriations committees and learned how vague they were. After repeated telephone calls, we managed to get a few documents delivered right to our offices, but when we looked at them, we found entire pages missing—only the "Top Secret" stamp remained. Staff investigators who asked for further details could not get them. With only a week left before the scheduled opening of our hearings, Rep. Otis Pike had to call the Pentagon and threaten to hold a press conference before we received *any* information from them. The National Security Agency (which monitors foreign communications) would not give us even the basic document which controls its operations.

Despite all this, we had, by July 31, assembled at least as much information as the standing appropriations

William Colby and Otis Pike

committees traditionally have, a reflection less of our diligence than of the other committees' timidity. During the next eight days we held our first seven hearings.

Deaf and Dumb

The Comptroller General of the United States, Elmer Staats, was the first witness. He testified that he knew very little about where the intelligence agencies put their money because he had to depend on them for all the information about their programs. The General Accounting Office, which Staats directs, had written to the CIA in January 1975, for instance, but never received a reply. Even when the CIA came up with the information Staats wanted, he had no way to verify it independently.

Next came James Lynn, director of the Office of Management and Budget. Lynn repeatedly refused to discuss anything of substance as long as the committee sat in open session. If we would only lock the doors and go into closed session, Lynn said, he was ready to answer all questions. The committee closed the doors.

After waiting for nearly a half hour, while experts "debugged" the hearing room, we discovered another problem. Lynn said he would not discuss certain subjects because the

stenographer was cleared only for Top Secret. When the committee finally got to question Lynn, he was not much more specific than he had been in the public session. Pike later called the experience "miserable and worthless." Lynn certainly could not demonstrate that his organization had any sort of grasp on the CIA's budget.

The Lynn experience was repeated time and again that week with other witnesses. In public, we were promised full cooperation; in private we did not get it. William Colby, then the director of the CIA, gave us little lectures on the evils of communism, illustrated with a "Freedom of Information" chart. "We live in a free society," he said, pointing to a series of X's on the American side of the chart. The X's marked off such institutions as newspapers, television, government publications, and, naturally, congressional hearings. That was how the Russians gathered intelligence on us. But on the Russian side—aha!—the X's were controlled. Such gimmickry prompted Rep. Philip Hayes to tell Colby he was tired of hearing "appeals to a very low level of political sophistication."

The testimony of Colby and Gen. Lew Allen of the National Security Agency illustrated one other way the intelligence agencies have traditionally thwarted congressional oversight. Over the years both the CIA and the NSA have answered hundreds of questions

Photos by Diana H. Walker

from congressional committees by providing *summaries* of internal documents, almost always self-serving, and not the documents themselves. What is the difference? Colby had said, in one of our closed sessions, that "certain differences had arisen between a certain ambassador and the CIA personnel" over the wisdom of one covert operation. We finally got hold of the original document, which put the matter in somewhat different terms. The ambassador had actually said to the CIA station chief, "To hell with your headquarters. If you don't go along with this, I will instruct the Marine guards to take you and place you on the airplane and ship you out of here."

In August, we questioned the Pentagon's top civilian intelligence official, Albert Hall. He explained, helpfully, that his organization worked very well. When asked if the system had broken down at any time in recent crises, Hall responded, "Well, if you are talking about the 1973 Middle East war, in fact, the outbreak of war was foreseen, and this information was handled correctly and was provided to the people who should have had it." Here too the documents told a different story. Weeks later we received the basic CIA post-mortem on that war, which began: "There *was* an intelligence failure in the weeks preceding the outbreak of war in the Middle East on October 6. Those elements of the intelligence community responsible for the production of finished intelligence did not perceive the growing possibility of an Arab attack and thus did not warn of its imminence."

Hall also demonstrated some of the more incongruous aspects of the classification system. Published information put out by the Defense Department revealed that military attaches were stationed in 86 different countries, including two recent additions, Algeria and Bangladesh. But the Defense Department said that the numbers and locations of the attaches were classified as "secret." Hall, looking embarrassed, could not explain the disparity. Rep. Aspin termed such practices "bizarre" and pointed out the weaknesses of a classification system which permitted executive branch officials to decide, apparently on whim, what to keep secret. Repeated experiences with this sort of capriciousness fostered the committee's subsequent decisions to publish information despite the executive branch's unwillingness to do so.

Family Jewels

Many frustrations lingered after the August hearings were over. On June 10, before the hearings had begun, President Ford said publicly that he would give the committee material from the Rockefeller Commission's investigation of intelligence abuses, "plus any other material that is available in the executive branch." Yet we did not receive an uncensored version of the "family jewels," the in-house CIA study of abuses, until mid-October, 15 minutes before Pike held a press conference to charge that there had been a coverup and more than four months after Ford had promised to supply the material.

On September 11, the committee held a hearing on one of the most widely suspected instances of incompetent intelligence—that associated with the 1973 Middle East war. We knew of several instances in the past when the intelligence system had failed—the 1968 Tet offensive, the Soviet invasion of Czechoslovakia in 1968, the 1974 coups in Portugal and Cyprus, and India's nuclear explosion in 1974. The Mideast hearing was designed to explore why the intelligence agencies had failed at the job they were supposed to carry out—namely, to provide accurate information on international developments.

Just one day after we held that hearing, President Ford announced that we would be denied any further classified information. He asked us to return our files and later compared us

to common criminals. What the committee had done the previous afternoon was to vote in closed session to publish a portion of an official CIA post-mortem of the Mideast failure.

Under the resolution which set up the committee, we were supposedly authorized to disclose information which related to the intelligence agencies' activities. In public session the CIA had read us two of the seven paragraphs of the post-mortem, both moderately favorable to the agency. But it had refused to declassify the other five. That afternoon the committee spent hours on those five paragraphs and realized the CIA had no reasonable grounds for keeping them secret. They did not reveal any intelligence sources and methods—the two items the CIA might legitimately want to protect—but they did demonstrate just how badly U.S. intelligence had performed prior to the Middle East war. There was no "national security" at stake, only bureaucratic self-protection.

For example, the CIA wanted to suppress one sentence which revealed only a misjudgment: "The movement of Syrian troops and Egyptian military readiness are considered to be coincidental and not designed to lead to major hostilities." Another paragraph the CIA wanted to censor noted that a "Watch Committee," which was supposed to judge the imminence of hostilities, failed to do so even after the war had begun.

So the committee decided to publish. The CIA's reaction was predictable; among other things, it called a press conference and told reporters that the release of four words ("and greater communications security") endangered national security.

President Ford finally agreed to deliver more classified information, promising we would get everything we needed—but only after a full month of negotiation and on the condition that he could veto any material the committee chose to publish.

But we still faced repeated delays. On October 20, for example, Pike wrote to the President, asking permission for me to visit the National Security Council. There I was to obtain a list of all CIA covert operations authorized by the top-level "40 Committee" since 1965 and to find out the committee's procedures for approving the operations. We needed this information in order to confirm or refute other indications that the procedures had often been haphazard. After repeated calls I did get the list. On it I found each CIA operation described as follows: "On [date given] the 40 Committee approved a covert operation in ———." Or, "A media project was authorized for ———." Not one actual operation was disclosed.

CIA Monitors

In one way, however, even this document contained a major revelation. Beside each blank from May 1972 until the end of 1974, the word "telephonic" appeared. I asked Gen. Brent Scowcroft, Ford's National Security advisor, what that meant. He said that the approval had been given over the telephone, without formal meeting. In other words, the 40 Committee, the most sensitive committee in government, had not met in more than two years. Nearly 40 CIA operations had been approved without the opportunity for debate, or a consideration of risks and alternatives by anyone outside the CIA. (We held a public hearing on that point the following week. Since then, President Ford has taken steps to insure that meetings are held and accurate records maintained.)

As the investigation progressed, the CIA dropped even the pretense of cooperation. All of the intelligence agencies went to great lengths to keep us from informal contact or interviews with their employees. They were also adamant about having monitors present. A monitor came along from the National Security Agency when I interviewed an NSA Middle East analyst. The poor monitor panicked when

I left him behind in the front office. After a quick phone call to NSA headquarters, he broke past our Capitol Hill police guard and ran through the committee room yelling that the witness should not say anything to "those people." Genuinely afraid that the scene would lead to violence, committee staff director Searle Field agreed that the monitor could sit in on just this one interview.

Kissinger Balks

The NSA had reason for its fears. The analyst I interviewed was one who had accurately forecast war in the Middle East before it broke out on October 6, 1973. The NSA leadership had discounted her courageous predictions. Truly excellent technical intelligence had gone unheeded.

Henry Kissinger, of course, threw up the most obstacles. We had to request information from him; he chaired three crucial panels—the 40 Committee, the NSC's Intelligence Committee, and the Verification Panel, which handled intelligence related to the Strategic Arms Limitations Talks (SALT).

But Kissinger refused to give up a single piece of paper without a fight. He termed one of our subpoenas merely a "request" and refused to honor it. It took a contempt of Congress resolution approved by the committee to get him to honor several

subpoenas. He silenced witnesses and at one point issued instructions that nobody in the State Department was to talk to anyone from the Pike Committee unless an official State Department monitor was present.

We wanted, for example, to ask one of Kissinger's subordinates to explain a mysterious contradiction in our policy toward Greece. We had heard that, when tensions were rising on Cyprus, the State Department had warned that Greek dictator Dimitrios Ioannidis was moving to overthrow Archbishop Makarios. But the CIA, at just that time, was conducting diplomatic talks with Ioannidis in Athens. We learned that Thomas Boyatt, a foreign service officer, might be able to explain what the CIA station had been up to. But Kissinger refused to let us talk to Boyatt without a State Department monitor present, and the monitor forbade the man to tell us even the most basic details. Later I interviewed another foreign service officer on the same subject, with the same result. We called one of Kissinger's deputies to ask for cooperation. He asked us to put the FSO on the phone and then told him again *not* to give us any help.

The committee was getting angry about treatment like this, especially because we had received almost no documents on the Cyprus affair. So

the committee voted to subpoena a memo which Boyatt had written to Kissinger after the Cyprus affair. Once more we found ourselves in trouble.

Among the other accusations that rained down upon us was a comparison to Joe McCarthy. The State Department said we were "interfering" with advice given on policy by a subordinate. But Boyatt, the subordinate in question, had said that he was willing to give us the information. Under existing law, there was no way the State Department could prevent its employees from giving information to Congress.

The State Department's claim that it was protecting Boyatt from "interference" like ours was somewhat disingenous. Boyatt had been denied normal reassignment by two ambassadors and one assistant secretary, both for his Cyprus dissent and for his activities on behalf of the Foreign Service Association, which lobbies for employee rights. We eventually pressured the State Department to reassign him.

A human victory, only we never learned what the intelligence network had told Henry Kissinger before the Cyprus coup, nor did we receive all the documents we sought.

Bureaucratic Lessons

Despite all these obstacles, by December we had acquired a great deal of information the CIA did not want us to have, thereby meeting one of the tests of a good investigation. We had data about the intelligence budget which Congress had never obtained before. We had learned about every CIA operation the National Security Council had approved since 1965. We also had original documents on an especially vital issue—Soviet compliance with SALT agreements—thanks to committee votes to cite Henry Kissinger for contempt of Congress when he first refused to honor our subpoenas.

These were our successes. To a large extent they were achieved because of our reaction to the dismal failure of those first eight days of hearings, when the administration officials just refused to cooperate. This inspired us to grit our teeth. Pike and Field set a basic rule for the investigators: be so aggressive you get complained about. There were complaints every week. When the CIA tried to distract us with proposals that we investigate sexy trivia, such as a minor official's indiscretions with shellfish toxins and other poisons, we refused.

We learned one of the timeless lessons of bureaucratic life—that it is necessary to talk to people at the "working levels" of the bureaucracy and not just the leadership. Leaders of huge agencies, responsible for any mismanagement, will always resist giving evidence of their own corruption or incompetence. One senior official close to the CIA's hierarchy told me privately that he considered the CIA's analytic system "rotten," and that Colby's management was ruining the agency. "But why should I risk all and tell these things to the Pike Committee?" he asked. "Where were those congressmen when the CIA was not on the front pages, and where will they be when the Pike Committee's jurisdiction expires?" It was an argument I heard often and could not really refute.

It was different one step down. The majority of mid-level officials, contrary to the conventional wisdom, are competent and hard working. Above all, they are concerned with poor *management* and will talk about it to anyone who seems interested in improving their condition. And even when these officials don't give you any valuable information, the simple knowledge that you've talked with them makes their superiors more candid.

These interviews helped us pick out some of the weak points in the intelligence bureaucracy. Pentagon analysts would tell us what they thought of their counterparts in the CIA. Asking one agency about another, or one office in the same agency about

another, is a simple but effective device. Everyone wants to tell his side of the story, and the rivalries among the intelligence agencies are as fierce as those anywhere in government.

From analysts in the Defense Intelligence Agency, CIA, and State Department, I learned that the intelligence studies made on the Soviet Backfire bomber might have been dishonest. The most important question was whether the Backfire could (or would) be deployed against targets in the United States. Answering this question correctly obviously *was* important for SALT.

The accusations about the Backfire ranged all through the intelligence community. The Air Force was alleged to have put pressure on a defense contractor, simply because the Air Force disagreed with a study the contractor had done for the CIA. One office of the CIA accused another of deliberately hiring a consultant who was known as a "downgrader" of Soviet aircraft in order to influence the Backfire study results. Another CIA office was accused of misrepresenting the plane's performance characteristics, because that office had its own policy line to peddle to our negotiators.

The CIA takes great pride in its intellectual integrity, so these accusations could hurt. The SALT negotiations were under way even as we carried out our investigation, and Pike did not want to risk complicating them by having a public hearing on the Backfire. But the CIA did not know that. I was able to imply several times, when dealing with the CIA censor, that this issue could be very, very unpleasant if it were publicized. When I got far enough into the story to present a threat, the CIA censor decided to call. The agency had found some documents I might want to look at, he said. Those documents—which were "secret," but which served the agency's ends—revealed, among many other things, that the director of the DIA and a high CIA official once thought that Henry Kissinger might be suppressing vital information about SALT. Upset, they had gone to the acting CIA director, Vernon Walters, and asked him to approach President Nixon about the problem. Those documents, which told us a great deal about the bureaucratic politics of SALT, were essentially a damage-limitation exercise by the CIA, which was concerned about its own reputation. Otherwise, we would never have obtained them.

A Sorry Picture

The intelligence administrators had shown us neat organization charts outlining their functions. What we actually found, however, was a very poorly administered intelligence system. The NSC's Intelligence Committee, for example, which looked impressive on the charts, had had only two meetings—one of them to organize itself.

Perhaps our more important finding was that Congress cannot oversee the intelligence agencies without making a determined effort to separate the truth from lies. Other less aggressive committees had been over the same ground before. The House Armed Services Intelligence subcommittee, for example, had been told about the official CIA post-mortem study of the intelligence failure before the Middle East war. But that subcommittee never saw the actual document; its briefing consisted of reading selected material from the study displayed on a slide projector. And it was not told there was a second Middle East postmortem, which documented a shocking intelligence performance at the time of the U.S.-Soviet confrontation in late October 1973. Nor did the subcommittee know the official postmortem covered up key weaknesses in the intelligence bureaucracy. Other official briefings I saw, including those related to nuclear arms matters, were always vague, always incomplete.

We also found evidence that the true intelligence budget is several times larger than that which the Con-

gress annually approves. The six foreign episodes we selected for closer study revealed mismanaged intelligence on a large scale. The CIA could offer *no* major analytical success. "Current intelligence" reports suffered because the leadership kept the analysts busy with meetings, phony deadlines, and "coordinating" policy differences between offices. There was precious little time left to think and write. The CIA's longer-term intelligence estimates were also weak, and the bureacratic structure promised little improvement. We found an alarming number of cases in which crucial information had been collected in time, but had not been disseminated until after the war had begun—just like the classic Pearl Harbor failure. We found that Henry Kissinger kept valuable information away from the CIA. We had only to go beyond the official explanations to realize that reform of the analytical side of U. S. intelligence is long overdue and sorely needed.

We also found pressures which distorted honest intelligence during the entire Vietnam war. The pressures came from the military, the State Department, and the White House, and had one purpose: to force the CIA to report "facts" about Vietnam which would support the war policy, regardless of truth. Many officials who resisted such pressures found their careers finished; those who kept quiet were promoted.

Fight Like Hell

But it was the question of how well we monitor Soviet adherence to the SALT agreements which I found most troublesome. It showed how dangerous bureaucratic rivalry can become for the whole country when the bureaucrats operate in secret.

On October 17, 1972, when the agencies established a steering mechanism to monitor Soviet SALT compliance with the agreements signed the previous May, a colonel on Kissinger's NSC staff called the CIA's Director of Strategic Research to say: "Dr. Kissinger wanted to avoid any written judgments to the effect that the Soviets have violated any of the SALT agreements. If the Director believes that the Soviets may be in violation, this should be the subject of a memorandum from him to Dr. Kissinger. The judgment that a violation is considered to have occurred is one that will be made at the highest level."

What this meant, in effect, was that the intelligence service had been deprived of its basic rationale. Henry Kissinger, the official most responsible for making SALT policy, also controlled information about how well the policy was working—an affront not only to the purpose of the CIA but to every prudent notion about avoiding administrative disasters.

To be sure, Kissinger had his problem with some elements of the intelligence community who were leaking to the press inaccurate information about Soviet violations, but the way to handle that problem was with a rifle aimed at the sinners not a shotgun blasting away at the entire area of factual reporting of SALT violations.

Even more disturbing than what Kissinger was doing was his passion for concealing it from Congress. And even more disturbing than that is the fact that Kissinger and the intelligence chiefs are typical of the executive branch leadership in their determination to protect Congress from knowledge of their affairs; in their tendency to ignore the fact that, after all, the executive and legislative branches work for the same employer.

I am convinced that Wilson was wrong in thinking Congress cannot overcome this tendency. Congressional committees *can* probe the depths of the federal bureaucracy, and provide the information that we all need to know. But pending the day when irrational adversary attitudes between the branches are replaced by a cooperative spirit of service, they had better be prepared to fight like hell. ■